

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 18-CR-230
)	
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	
)	<u>OPINION AND ORDER</u>
CARL JOHNSON,)	
)	
Defendant.)	

Before the Court is Defendant Carl Johnson's motion requesting an extension of time to file a 28 U.S.C. § 2255 petition, **Doc #: 24**. Johnson asserts he needs an extension because he is unable to access the prison law library or contact counsel due to his prison's COVID-19 preventative measures. Doc #: 24 at 4.

Courts are without jurisdiction to consider the timeliness of an unfiled § 2255 petition. *United States v. Moore*, 56 Fed. Appx. 686,687 (6th Cir. 2003); *Starnes v. United States*, 18 Fed. Appx 288, 293 n.2 (6th Cir. 2001). Johnson has not yet filed his § 2255 petition and the Court cannot construe his motion for an extension to be a § 2255 petition.¹ Accordingly, this Court lacks jurisdiction to consider his request for an extension, **Doc #: 24**, and the same is **DENIED**.

IT IS SO ORDERED.

/s/Dan Aaron Polster June 11, 2020
DAN AARON POLSTER
UNITED STATES DISTRICT COURT

¹ Where a motion for extension contains sufficient details about a proposed petition, the court may construe the motion as a § 2255 petition. *United States v. Asakevich*, 810 F.3d 418, 424 (6th Cir. 2016). Here, Johnson's Motion contains no details about his proposed petition.